

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EZEQUIEL OLIVARES ABARCA, et al,
individually and on behalf of all those similarly
situated,

and

WILLIAM SMITH, on behalf of himself and all
others similarly situated, and on behalf of the
general public,

and

BRIAN VESTER and JOEL MORALES,
individually and on behalf of all others
similarly situated,

and

DANIEL BRYANT, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

WERNER ENTERPRISES, INC., et al.,

Defendants.

8:14CV319

ORDER

8:15CV287

ORDER

8:17CV145

ORDER

8:20CV227

ORDER

This matter is before the Court on the Motion to Consolidate Pursuant to Fed. R. Civ. P. 42(a) (Filing No. 290 in the Lead case) filed by Defendants. Defendants move to consolidate *Bryant v. Werner Enterprises, Inc. et al.*, Case No. 8:20CV227, with the three previously consolidated cases, captioned above. Defendants represent that counsel for the Plaintiff in *Bryant* does not oppose this motion. And, no objections to the motion were filed by the other plaintiffs in the time provided under the court's local rules. Accordingly, the motion is unopposed.

Federal Rule of Civil Procedure 42(a) permits consolidation of cases involving common issues of law or fact as a matter of convenience and economy in judicial administration. Fed. R. Civ. P. 42(a). After review of the filings in the above cases, the Court concludes the *Bryant* action contains common issues of law and fact as the *Abarca*, *Smith*, and *Vester* cases. The putative class action claims by the *Bryant* plaintiffs against Defendants for

violations of California wage and labor laws are the same or similar as those alleged in the above-captioned consolidated cases, and the previously certified class appears to encompass the newest claims. Consolidation will conserve time and resources of the parties and of the Court. Accordingly, the Court will grant the Defendants' motion and consolidate all of the above-captioned cases for purposes of discovery and trial. Upon consideration,

IT IS ORDERED:

1. Defendants' Motion to Consolidate Pursuant to Fed. R. Civ. P. 42(a) (Filing No. 290 in the Lead case) is granted.
2. The above-captioned cases are consolidated for all purposes.
3. Case No. 8:14CV319 continues to be designated as the "Lead Case" and Case No. 8:20CV227 is designated as a "Member Case."
4. The court's CM/ECF System has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in the Member Case. The parties are instructed to file documents related to discovery (except those described in paragraph 5) in the Lead Case and to select the option "yes" in response to the System's question whether to spread the text.
5. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.
6. If a party believes an item in addition to those described in paragraph 4 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more member cases. The motion must be filed in all the consolidated cases using the spread text feature.
7. The parties in *Bryant v. Werner Enterprises, Inc. et al.*, Case No. 8:20CV227 shall comply with the amended case progression order dated July 23, 2020. (Filing No. 292 in the Lead Case).

Dated this 4th day of August, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge